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Remarks

By this preliminary amendment, all claims presently on file have been cancelled and a new set of claims provided. Certain of the new claims were present in the application as filed, but rather than amend the claims as filed a new set has been presented. This set is directed to the novel method of making the dri nasal sprays of the present invention, the unique spray compositions produced thereby and methods of using them. It is respectfully submitted that this will avoid the delays due to restriction requirements as well as the citation of prior art in related applications directed to the compositions.

In order to expedite prosecution applicant offers the following synopsis of the novel process:

- 1.) Glycols are not soluble in vegetable oils nor are they soluble in medium chain di and tri glycerides.
- 2.) Polyglycols are not soluble in vegetable oils or medium chain di and tri glycerides.
- 3.) Fatty esters are not soluble in vegetable oils or in medium chain di and tri glycerides.
- 4.) Glycols are not soluble in fatty esters and vice versa.
- 5.) Polyglycols are not soluble in fatty esters and vice versa.
- 6.) Only ethanol can couple glycols to medium chain di and tri glycerides.
Ethanol cannot be used in Nasal Sprays.
- 7.) It has been found that only one ester group that is soluble with glycols, polyglycols and medium chain di and tri glycerides. That is the water insoluble esters of water soluble acids e.g. C₁₂-C₁₅ lactates.
- 8.) In order for applicant's system to work, there is required:
 - A.) a drug soluble in a glycol or polyglycol;
 - B.) an ester which is soluble in medium chain di or tri glycerides and can also solubilize the drug and glycols noted in 'A' and that ester is C₁₂-C₁₅ lactate.
 - C.) 'A' and 'B' will now be soluble in medium chain di or tri glycerides.

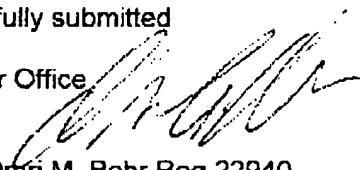
To further advance prosecution of this application whose subject matter is now over 5 years in the USPTO, applicant submits a declaration to substantiate the foregoing novel and unexpected order of mixing the components to provide said spray compositions. The subject matter of this declaration should be on file in the PCT file of this application in the USPTO, but is resubmitted to expedite prosecution. The undersigned apologize for the poor quality of the image due to multiple fax transmission. A better copy will be supplied on request

In view of the foregoing comments and amendments, applicant respectfully submits that this application is in condition for allowance and prompt passage to issue is respectfully solicited.

Respectfully submitted

The Behr Office

By


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